

JOHN L. BURRIS, Esq./ State Bar # 69888
 LAW OFFICES OF JOHN L. BURRIS
 7677 Oakport Street, Suite 1120
 Oakland, CA 94621
 Telephone: (510) 839-5200
 Facsimile: (510) 839-3882
 E-Mail: John.burris@johnburrislaw.com

GAYLA B. LIBET, Esq./ State Bar # 109173
 LAW OFFICES OF GAYLA B. LIBET
 486 41st Street, # 3
 Oakland, CA 94609
 Telephone and Facsimile: (510) 420-0324
 E-Mail: Glibet@sbcglobal.net

Attorneys for Plaintiff

GREGORY M. FOX, Esq./ State Bar # 70876
 ARLENE C. HELFRICH, Esq./ State Bar # 96461
 BERTRAND, FOX AND ELLIOT
 The Waterfront Building
 2749 Hyde Street
 San Francisco, CA 94109
 Telephone: (415) 353-0999
 Facsimile: (415) 353-0990
 E-Mail: Gfox@bfesf.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

GABRIEL J. HURST,

Plaintiff,

vs.

CITY OF ALAMEDA, a municipal corporation;
 WALTER TIBBET, in his capacity as Chief of
 Police for CITY OF ALAMEDA; RYAN
 DERESPINI individually, and in his capacity a
 police officer for CITY OF ALAMEDA; IAN
 SUMMIT, individually, and in his capacity as a
 police officer for CITY OF ALAMEDA; and,
 DOES 1-25, inclusive,

Defendants.

Action No. C-08-02518-WDB

**STIPULATION AND ORDER FOR
 DISMISSAL OF DEFENDANTS
 CITY OF ALAMEDA AND CHIEF
 OF POLICE WALTER TIBBET**

1 The parties to this action, by and through their counsel of record, hereby stipulate to the following:

2 1. Dismissal of defendant CITY OF ALAMEDA and defendant WALTER TIBBET, Chief of
3 Police for the CITY OF ALAMEDA from this action, except that plaintiff continues to allege, as
4 stated in his Ninth Cause of Action, that CITY OF ALAMEDA, pursuant to Government Code
5 Section 815.2(a), is vicariously liable to plaintiff for his injuries and damages alleged herein, incurred
6 as a proximate result of the intentional and/or negligent wrongful conduct of defendant police officers
7 DERESPINI; SUMMIT; and DOES 1-25, inclusive, as set forth in plaintiff's First Cause of Action,
8 and Third through Seventh Causes of Action of his Complaint; and,

9 2. Dismissal of the Second Cause of Action and the Eighth Cause of Action from this action.

10 LAW OFFICES OF GAYLA B. LIBET

11 Dated: 2/26/09

12 By: /s/ Gayla B. Libet
13 GAYLA B. LIBET, Esq.
14 Attorneys for Plaintiff

15 LAW OFFICES OF JOHN L. BURRIS

16 Dated: 2/26/09

17 By: /s/ John L. Burris
18 JOHN L. BURRIS, Esq.
19 Attorneys for Plaintiff

20 BERTRAND, FOX & ELLIOT

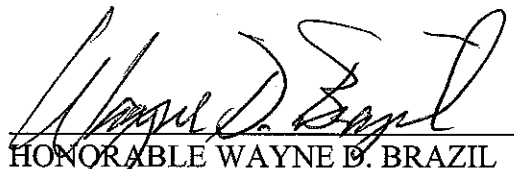
21 Dated: _____

22 By: _____
23 GREGORY M. FOX, Esq.
24 Attorneys for Defendants

25 **ORDER**

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 Dated: 3/2/09

28 
HONORABLE WAYNE B. BRAZIL
United States District Court Magistrate Judge